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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/107,083	06/29/1998	CHRISTOPHER M. WHITE	MS1-260US	7534
22801	7590	03/23/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 09/107,083	Applicant(s) WHITE, CHRISTOPHER M.	
	Examiner Ngoc K. Vu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-29 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-29 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 12/27/06 have been fully considered but they are not persuasive.

With respect to claim 1, applicant argues that Hendricks of the record does not disclose or teach "web browser program" and there is no indication of Hendricks that a live video television broadcast is displayed through a web browser program as claimed. These arguments are not persuasive based on the following reasons.

First, the system of Hendricks provides live video to user terminals through world watch live web site and communications system such as Internet, cable plant, or satellite. See figures 10 & 21 and abstract.

Second, Hendricks specifically discloses that user's terminal executes appropriate software which may be a "plug-in" for a **browser application program** to display video. See 0101. Hendricks further shows examples of web pages of Discovery channel as illustrated in figures 11-16. Particularly, figure 14 shows displaying live video on web page. See figures 11-16 and 0132. This clearly indicates that Hendricks teaches displaying live video on web page by running a browser application program or web browser program on user's terminal.

Third, the system of Hendricks also discloses that remote cameras may be used in the field of broadcast television or the field of cable television so that a transmitter may broadcast the images or live video to television receivers via communication network. See 0179.

Accordingly, Hendricks teaches displaying live video television broadcast through a web browser program.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

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teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation may be found in the Hendricks reference such that his teaching is to provide video information and/or audiovisual presentations to users on a global, powerful, and inexpensive basis. See 0031-0035 and 0137.

With respect to claims 8 and 21, applicant requests the examiner to cite a reference supporting the Official Notice. The examiner hereby submits that the cited reference Florin (US 5,583,560) (see PTO-892 mailed 2/29/2000) specifically discloses displaying a plurality of programs in small display screens as shown as pix display 381 when the users presses on pix button 144 on a remote control 60, and pressing the pix button 144 a second time causes the pix display 381 to disappear and the last highlighted program displays in full screen. See col. 20, lines 20-24; col. 21, lines 15-17 and figures 33-34. In other words, Florin teaches removing the remaining the small display screens in pix display 381.

In response to arguments with respect to claims 20, 26, 29, and 33-36, the reasons addressed above in response to argument of claim 1 are also applied to the responses to arguments of claims 20, 26, 29, and 33-36.

Therefore, rejections of claims 1-5, 7-29, and 31-36 are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-5, 7-29 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffield et al. (US 5,398,074 A) in view of Hendricks et al. (US 20040010804 A1).

Regarding claim 1, Duffield discloses a method of displaying recently accessed television channels comprising the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield also does not disclose displaying a live television broadcast through a web browser program. However, Hendricks teaches presenting a live video of television broadcast from a remote site on a “Discovery channel” web page as illustrated in figure 14 (see figures 11-16, 0054, 0101, 0134-0138, 0179, 0180). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a live video of television broadcast on a web page as taught by Hendricks in order to provide video information and/or audiovisual presentations to users on a global, powerful, and inexpensive basis.

Regarding claims 2 and 3, Duffield discloses monitoring the selected channel for a predetermined length of time (frequently and/or continuously channel selected and reselected by the viewer – see col. 1, lines 14-19).

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Regarding claims **4 and 5**, Duffield discloses selecting the television channel from the secondary video pictures using a remote control in response to on-screen menu prompts (see col. 4, lines 20-24).

Regarding claims **7 and 9-11**, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28).

Regarding claim **8**, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures. Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claim **12**, Duffield discloses that the new selected channel appears in the middle and the former selected channel is moved to the top or bottom (see col. 6, lines 29-33).

Regarding claim **13-15 and 17**, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claim **16, 18 and 19**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim **20**, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are

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displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); applying a focus (a distinct border design 72) to one of the small display screens to designate the one small display screen as active and containing a currently selected channel and to differentiate the active small display screen from remaining ones of the small display screens (enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control - see col. 6, lines 20-28).

Duffield does not disclose displaying a live television broadcast through a web browser program. However, Hendricks teaches presenting a live video of television broadcast from a remote site on a "Discovery channel" web page as illustrated in figure 14 (see figures 11-16, 0054, 0101, 0134-0138, 0179, 0180). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a live video of television broadcast on a web page as taught by Hendricks in order to provide video information and/or audiovisual presentations to users on a global, powerful, and inexpensive basis.

Regarding claim 21, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures. Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claims 22 and 23, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28), and displaying multiple viewing

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secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claims **24 and 25**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim **26**, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); displaying still images captures form corresponding channels in the small display screens (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not disclose displaying a live television broadcast through a web browser program. However, Hendricks teaches presenting a live video of television broadcast from a remote site on a "Discovery channel" web page as illustrated in figure 14 (see figures 11-16, 0054, 0101, 0134-0138, 0179, 0180). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a live video of television broadcast on a web page as taught by Hendricks in order to provide video information and/or audiovisual presentations to users on a global, powerful, and inexpensive basis.

Regarding claim **27**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim 28, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen (see figures 1-3).

Regarding claim 29, Duffield discloses a client system capable of receiving multiple television channels, comprising: a processor (82); and a memory (inside the processor) having stored therein executable instructions (software) which, when executed by the processor, cause the processor to perform the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying a live television broadcast through an interactive display environment including World Wide Web content. However, Hendricks teaches presenting a live video of television broadcast from a remote site on a "Discovery channel" web page as illustrated in figure 14 (see figures 11-16, 0054, 0101, 0134-0138, 0179, 0180). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a live video of television broadcast on a web page as taught by Hendricks in order to provide video information and/or audiovisual presentations to users on a global, powerful, and inexpensive basis.

Regarding claim 31, it is noted that the web page includes HTML object in view of the combined teachings of Duffield and Hendricks (see Hendricks: figures 11-14; 0051-0054; 0133-0138).

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Regarding claim **32**, Hendricks further teaches an Internet system comprising at least one server system, a wide area network interconnecting the server system and one or more client systems as recited in claim 29 (see figures 9B-10).

Claims **33**, **34**, and **35** are computer-readable medium claims which embody the method steps of claims 1, 20, and 26, respectively, in computer code (i.e., software or instructions) (see Duffield: col. 6, lines 45-50; Hendricks: 0101 and rejection of claims 1, 20 and 26 above).

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Hendricks et al. (US 20040010804 A1) in view of Duffield et al. (US 5,398,074 A).

Regarding claim **36**, Hendricks discloses in a set top box system (set top converter box at user terminal) capable of receiving and presenting both television and web content on a television (see 0178-0181 and 0183), a user interface executing on the set top box system (set top converter box at user terminal) comprising a primary display screen displaying a live television broadcast through a web browser program (presenting a live video of television broadcast from a remote site on a "Discovery channel" web page - see figures 11-14, 0051-0054, 0074, 0134, 0136, 0138, 0179, 0180).

Hendricks does not disclose displaying multiple small display screens wherein each small display screen corresponding to a channel recently selected by a user and a movable focus to designate one of the small display screens from remaining ones of the small display screens. However, Duffield discloses that secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 (see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58). Duffield further discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the system of Hendricks by displaying video pictures representing channels frequently and/or continuously selected and reselected by the user as taught by Duffield in order to allow the user to selectively view the recently selected channels.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

March 19, 2007